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In re Application of :  
Kazutaka Maeda *et al* :  
Application No. 10/029,255 : DECISION ON PETITION  
Filed: December 28, 2001 :  
Attorney Docket No. 111319.01 :

This is a decision on the petition filed on January 25, 2005 by which petitioners request that the period for filing a reply to the Office action dated November 10, 2004 be reset to the date upon which a new copy of that Office letter is mailed to the correct correspondence address. The petition is being considered under 37 CFR 1.181, and no fee is required for the petition.

The petition is granted to the extent indicated below.

It appears that petitioners did not receive the Office letter in question at the correspondence address of record. It further appears that petitioners contacted the examiner because a routine review of the PTO PAIR information regarding the application showed that the Office letter in question had been mailed, but had not been received. It was discovered that a revocation of power of attorney and new correspondence address had been filed by petitioners, but had not been entered into the file. A copy of these papers, and the filing receipt that shows that they were received in the Office on March 4, 2002 are attached to the petition. The examiner forwarded a copy of the November 10, 2004 Office action to petitioners on January 19, 2005, as shown by the copy of the action attached to petition.

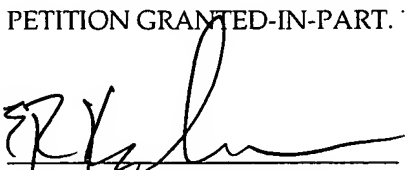
It is clear from the petition and from the record that the Office letter in question was not mailed to the proper correspondence address because the correspondence address of record was incorrect. Therefore, petitioners are entitled to have the date of the Office letter reset. Petitioners are also entitled to have the Office letter in question remailed if they so desire, notwithstanding that petitioners in fact have a copy of that Office letter. However, petitioners are not entitled to have the date reset to the new mailing date, but are entitled to have the date reset to the date upon which the action was received from the examiner. Compare the practice established by MPEP § 710.06(I) "Petitions to Reset a Period For Reply Due to Late Receipt of an Office Action."

Accordingly, the application will be forwarded to the Head Supervisory Applications Examiner, who will:

1. Enter the revocation and new power of attorney into the Image File Wrapper and into the PALM/PAIR system, using March 4, 2002 as the PALM date for the paper and making certain that the proper correspondence address is entered into the system as well as the correct Attorney Docket No.; and
2. Mail a copy of the November 17, 2004 Office action to the new correspondence address.

The period for filing a reply to the Office letter originally mailed on November 17, 2004 is reset to run ONE MONTH from January 17, 2005, the date upon which petitioners received the Office letter.

PETITION GRANTED-IN-PART.

  
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